

REMARKS

This is in response to the Office Action dated December 13, 2007. Claims 20, 22-24, 26, 27, and 30-38 are pending in the application. Claims 20, 22-24, 26, 27, 30-34, and 36-38 are rejected. Claims 20, 22 and 34 have been amended. Support for the amendments can be found throughout the specification and the Figures. No new matter has been added. Reconsideration and allowance of the claims is requested.

Claims 20, 22-24, 26-27, and 30-38 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ross (5,089,015) in view of Williamson IV et al. (6,402,780), further in view of Lane et al (6,334,973). Applicant traverses the rejection.

Elements of claim 20, as amended, include a method for attaching a heart valve prosthesis in a patient, comprising providing a fastener having a head and a sharp tip, positioning a reinforcement along an inner surface of the commissure supports, wherein the reinforcement has at least one aperture, and inserting the tip of the fastener through the prosthesis, the reinforcement and aortic wall, root or pulmonary artery to attach the heart valve prosthesis to the patient. Independent claims 22 and 34 also include similar limitations, except that the reinforcement is attached along the outer surface of the prosthesis in claim 34.

Ross discloses a method for implanting an unstented xenograft or allograft valve using a holder positioned within the xenograft or allograft valve. The Office Action considers that the reinforcement is a Dacron cover over the commissure supports shown in Figure 2B. Even assuming for the sake of argument that the Dacron cover is a reinforcement, there is no need to put apertures in the Dacron cover of Ross (what the Office Action considers as the reinforcement) since the suture needle point can easily go through the tissue and the Dacron cover.

Williamson discloses a barbed fastener in Figure 65 which has a head and a pointed end with anti-back up barbs. The fastener is positioned in a delivery tool element such that the fastener is forced into the tissue. See col. 37, lines 26-49.

Lane discloses a method of constructing a heart valve. A mounting frame 40 is formed from an inner frame 10 having holes and an outer frame 24 having holes. The Office Action considers the outer frame 24 as the reinforcement having apertures. Holes in the mounting frame 40 are juxtaposed so that commissure post anchors 34 and cusp line anchors 36 can extend therethrough. The hook portion of the anchors 34, 36 extend outside of the outer frame 24 such that leaflets with corresponding holes can be positioned on the anchors to make a heart valve. There is no teaching or suggestion in Lane of using outer frame 24 (what the Office Action considers as the reinforcement with apertures) for anything other than positioning the anchors 34, 36 so as to position the leaflets to mounting frame 40. A mounting frame 40 in Lane having holes and anchors is not being used as a reinforcement to attach a prosthesis to an aortic wall, root, or pulmonary artery wall, as claimed. Rather, it is being used to hook the leaflets to the mounting frame 40 to construct the heart valve. A method of making a heart valve is not the same as a method of attaching a heart valve to a patient.

Applicant is claiming a method for attaching a heart valve prosthesis to a patient utilizing a reinforcement having at least one aperture, positioning the reinforcement in a selected position on at least one of the commissure supports, attaching the reinforcement and the at least one commissure support to an aortic wall, root, or pulmonary artery with a fastener positioned through at least one of the apertures. The combination of Ross, Williamson and Lane does not teach, suggest or render obvious the claimed method, as amended. Applicant respectfully requests withdrawal of the rejection of claims 20, 22-24, 26, 27, and 30-38 as being unpatentable over Ross in view of Williamson.

In view of the foregoing, it is submitted that the application is in condition for allowance. The Examiner is requested to contact the undersigned representative if the Examiner believes it

would be useful to advance prosecution.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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